APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/687,484	10/13/2000	Donald C. Jackson	TEL-018	9376

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EXAMINER
PHAN, MAN U

ART UNIT	PAPER NUMBER
2665	

DATE MAILED: 09/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	09/687,484	JACKSON ET AL.
	Examiner	Art Unit	
	Man Phan	2665	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on *13 June 2005*.

2a) ☐ This action is **FINAL.**   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1-41* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☒ Claim(s) *36-41* is/are allowed.

6) ☒ Claim(s) *1-19,22-24,27-31,34 and 35* is/are rejected.

7) ☒ Claim(s) *20,21,25,26,32 and 33* is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All   b) ☐ Some * c) ☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

ETAILED ACTION

1.   1.   This communication is in response to applicant's 06/13/2005 amendment

in the application of Jackson et al. for a "method and apparatus for localized voice over

internet protocol usage" filed 10/13/2000. This application claims benefit from

Provisional Application 60/219,911 dated 07/21/2000. This application is a Request for

Continued Examination (RCE) under C.F.R. 1.114 filed on June 13, 2005. The proposed

amendments to the claims have been entered and made of record. Claims 1, 6, 9, 22-25,

29-32, 34 have been amended, and new claims 36-41 have been added. Claims 1-41 are

pending in the application.

Specification

2.   The disclosure is objected to because of the following informalities:

The status of the related application USSN# 09/426,102 noted on page 2, line 19 needs

to be updated. The Application is now US Patent #6,807,574.

Appropriate correction is required.

Claim Rejections - 35 USC ' 103

3.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as

set forth in section 102 of this title, if the differences between the subject matter sought to be

patented and the prior art are such that the subject matter as a whole would have been obvious at

the time the invention was made to a person having ordinary skill in the art to which said subject

matter pertains. Patentability shall not be negatived by the manner in which the invention was

made.

4.   This application currently names joint inventors. In considering patentability of the

claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the

various claims was commonly owned at the time any inventions covered therein were

made absent any evidence to the contrary. Applicant is advised of the obligation under

37 CFR 1.56 to point out the inventor and invention dates of each claim that was not

commonly owned at the time a later invention was made in order for the examiner to

consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g)

prior art under 35 U.S.C. 103(a).

5.   Claims 1, 6, 9, 16-19, 22-24 and 27-31, 34-35 are rejected under 35 U.S.C. 103(a)

as being unpatentable over Aldous et al. (US#6,654,722) in view of Subramaniam et al.

(US#6,070,187).

With respect to claims 1, 6, 9, 22 and 29, Aldous et al. disclose in Figs. 1 & 2

block diagrams illustrated a VoIP based speech system for servicing a call received over

a PSTN comprising: a PSTN-to-IP gateway 3 for connecting to the PSTN 2; an IP

network medium 4 connected to the gateway; and a network server 7 in communication

with the IP network medium 4 for automated interaction with a user 1 participating in the

call (Col. 5, lines 20 plus). Aldous further teaches in Fig. 2 illustrated more detail of the

VoIP telephony gateway server 3, in which the VoIP gatekeeper 14 (*proxy server*

functionality) can perform load balancing in order to ensure the high availability of VoIP

enabled speech servers 5 (*plurality of network servers*) able to receive the voice call (Col.

5, line 59 to Col. 6, line 18).

Aldous et al. does not disclose expressly the configuration server and call

discrimination in forwarding the packet switched call. However, Aldous teaches a VoIP-

based speech system, in which a VoIP telephony gateway server; at least one speech

server, each speech server containing a VoIP-enabled speech application; a VoIP-

compliant call control interface between the VoIP telephony gateway server and the

speech server; and, a VoIP communications path between the VoIP telephony gateway-

server and the speech application in the at least one speech server (*providing automated*

dynamic management of the network server). In the VoIP-based speech system, the VoIP

telephony gateway server and the speech application can establish the VoIP communicat-

ions path through the VoIP-compliant call control interface (see Fig. 2; Col. 2, lines 35

plus). In the same field of endeavor, Submaramaniam et al. (US#6,070,187) discloses a

method and apparatus that allows a network node to be automatically configured with an

IP address and a default gateway address to be configured as its own gateway. The

configuration agent resides on a network device (such as a switch or bridge) that is

coupled to two network segments, with one network segments including a node to be

configured and another network segment including a server capable of automatically

providing configuration parameters. The configuration agent acts as a snoopy agent.

Messages from the configuration server to the node to be configured are "snooped" to discover messages containing an IP address and a default gateway address. Such messages are altered to copy the IP addresses offered to the nodes seeking configuration to the default gateway addresses, and the messages are sent on their way, thereby causing nodes seeking to be configured to be configured as their own default gateway. In some configurations, messages from the node to be configured to the configuration server are altered to ensure that messages from the configuration server to the node seeking to be configured are broadcast messages (See Figs. 3, 6; Col. 6, lines 25 plus).

Although Aldous et al. and Subbramaniam do not specifically refer to the *blasting process* in providing automated dynamic management of the network server. This *blasting process* is well known in the art and are widely known in the communication management functions for providing user notification and connectivity to handle the access to the system resources. As shown in Fig. 2, Aldous et al. teaches a block diagram illustrated the architecture for the VoIP telephony gateway server of Fig. 1, in which advance call management module 15 is provided to implement (alone or in conjunction with other modules) management functions required to permit use of the system by content providers and subscribers, as well as process the blasts transmitted through the system. For example, server management module 15 is programmed to permit creation, deletion, distribution, tracking, and logging of data pertinent to blasts processed by server 14 (Col. 6, lines 20 plus).

Regarding claims 16-19, 23-24, 27-28 and 30-31, 34, 35, Subbramaniam further teach in Figs. 7-10 the flow charts illustrated how the DHCP proxy agent of Fig. 6

processes packets in VoIP communications. At block 138, a packet is received. Control

then passes to decision block 140, which determines whether the packet is a

DHCPDISCOVER, DHCPREQUEST, DHCPOFFER, DHCPACK, or DHCPNAK

packet specifying a network node to be configured as its own gateway. Similar to DHCP

snoopy agent 102 as described above, proxy agent 120 can also be configured to maintain

a table of MAC addresses identifying network nodes that are to be "helped". If the packet

is not one of these packets, or the node is not configured to be "helped", the "NO" branch

is taken to block 142, where the packet is transmitted. Control then passes back to block

138 to wait for the next packet to be received. Note that DHCP proxy agent 130 is

configured to receive all broadcast packets transmitted in the configuration dialogue. In

addition, if any of the packets are from the client are unicast, agent 130 will also receive

those packets since the client seeking to be configured will believe that agent 130 is its

DHCP server (Col. 12, lines 62 plus).

One skilled in the art would have recognized the need for effectively and

efficiently using VoIP enabled speech server for communicating information, and would

have applied Subramaniam's novel use of the configuration server in VoIP into Aldous's

teaching of the VoIP enabled speech server. Therefore, It would have been obvious to a

person of ordinary skill in the art at the time of the invention was made to apply

Subramaniam's method and apparatus for configurating a network node to be its own

gateway into Aldous's voice over IP protocol based speech system with the motivation

being to provide a method and system for supporting voice activated services over a

telephone interface.

6.   Claims 2-5, 7-8, and 10-15 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Aldous et al. (US#6,654,722) in view Subramaniam et al.

(US#6,070,187) as applied to the claims above, and further in view of of Brown et al.

(US#6,604,075).

With respect to claim 2, Aldous and Subramaniam disclose the claimed

limitations as discussed in the paragraph 5 above.   In the same field of the endeavor

Brown et al. (US#6,604,075) discloses a novel method and system for use in

communicating information in VoIP using a web-based voice dialog interface, according

to the essential features of the claims.   Brown provides an Interactive Voice Response

(IVR) platform which includes a speech synthesizer, a grammar generator and a speech

recognizer. The speech synthesizer generates speech, which characterizes the structure

and content of a web page retrieved over the network. The speech is delivered to a user

via a telephone or other type of audio interface device. The grammar generator utilizes

textual information parsed from the retrieved web page to produce a grammar. The

grammar is then supplied to the speech recognizer and used to interpret voice commands

generated by the user. The grammar may also be utilized by the speech synthesizer to

create phonetic information, such that similar phonemes are used in both the speech

recognizer and the speech synthesizer (Col. 2, lines 36 plus).

With respect to claims 3-5 and 7-8, Aldous teaches a method for coupling a

speech application to a telephony gateway server in a VoIP network. Notably, as shown

in Fig. 1 of the preferred embodiment, the VoIP Enabled Speech Server 5 can accept

voice commands originating in the telephone device 1 for retrieving Web content from a

Web server 7 in a data communications network 6. Specifically, the Web content 8 can

be a VoiceXML document 8. In response, the VoIP Enabled Speech Server 5 can retrieve

the VoiceXML document 8 from the Web server 7 and can synthesize audio data

according to instructions contained in the VoiceXML document 8. Subsequently, the

synthesized audio data can be transported across the VoIP network 4 to the VoIP

telephony gateway server 3 and ultimately to the telephone device 1 (Col. 5, lines 47

plus). Aldous further teaches several well-known protocols implement the VoIP

protocol specification including H.323, Session Initialization Protocol ("SIP") and Master

Gateway Control Protocol ("MGCP"), upon which voice traffic can be transmitted across

IP networks. In a VoIP network, analog speech signals received from an analog speech

audio source, for example a PSTN or a microphone, are digitized, compressed and

translated into IP packets for transmission over an IP network (Col. 1, lines 34-45).

With respect to claims 10-15, they are method claims corresponding to the

apparatus and system claims 2-5 and 7-8 as discussed in paragraph 3 above. Therefore,

claims 10-15 are analyzed and rejected as previously discussed with respect to claims 12-

5 and 7-8.

One skilled in the art would have recognized the need for effectively and

efficiently using VoIP enabled speech server for communicating information, and would

have applied Brown's teaching of the speech synthesizer, a grammar generator and a

speech recognizer in VoIP into Subramaniam's novel use of the configuration server in

VoIP and Aldous's teaching of the VoIP enabled speech server. Therefore, It would have

been obvious to a person of ordinary skill in the art at the time of the invention was made

to apply Brown's web-based voice dialog interface into Subramaniam's method and

apparatus for configuring a network node to be its own gateway and Aldous's voice over

IP protocol based speech system with the motivation being to provide a method and

system for supporting voice activated services over a telephone interface.

Allowable Subject Matter

7.   Claims 36-41 are allowable

8.   Claims 20-21, 25-26 and 32-33 are objected to as being dependent upon a rejected

base claim, but would be allowable if rewritten in independent form including all of the

limitations of the base claim and any intervening claims.

The following is an examiner's statement of reasons for the indication of

allowable subject matter: The closest prior art of record fails to disclose or suggest

wherein the if the proxy server detects that a number of calls exceeds a predetermined

threshold, then the proxy server follows at least one predetermined call routing rule

provided by the configuration server, as specifically recited in the claims 20, 25 and 32.

Conclusion

9.   The prior art made of record and not relied upon is considered pertinent to

applicant's disclosure.

The Armenta et al. (US#2002/0010760) is cited to show the apparatus for and

method of providing user notification and connectivity

The Partovi et al. (US#6,807,574) is cited to show the method and apparatus for content personalization over a telephone interface.

The Maes et al. (US#6,801,604) is cited to show the universal IP-based and scalable architectures across conversational applications using web services for speech and audio processing resources.

The Williams et al. (US#6,226,289) is cited to show the method and apparatus for dynamically routing calls in an intelligent network.

10.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to M. Phan whose telephone number is (571) 272-3149. The examiner can normally be reached on Mon - Fri from 6:00 to 3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy Vu, can be reached on (571) 272-3155. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-2600.
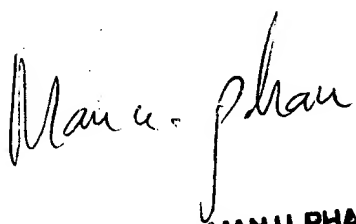
11.   Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For

more information about the PAIR system, see http://pair-direct.uspto.gov. Should you

have any questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at toll free 1-866-217-9197.

Mphan

09/16/2005.

MAN U. PHAN
PRIMARY EXAMINER